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HB 2017 RELATING TO PUBLIC LANDS

Statement for
House Committee on
Water, Land Use, Development, and Hawaiian Affairs
Public Hearing - February 1, 1988

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HB 2017 would establish a state land bank agency to administer a land bank program and would repeal, in its entirety, Chapter 173A, "Acquisition of Resource Value Lands."

Our statement on this bill does not represent an institutional position of the University of Hawaii.

HB 2017 would add to the existing statutes pertinent to the management and disposition of public lands, the provision to acquire title or long term use of lands of special natural value for the purpose of land banking. The bill specifies methods for acquiring title or long term use of lands of special value or access to those lands. It establishes permitted uses of lands and sets forth lease agreement conditions.

HB 2017 would provide greater flexibility to the state in terms of resource management by allowing for the purchase of such items as land units or fee easements. The bill is very broad and has considerable potential for protection of sensitive habitats and natural resources. Some specific points seem worthy of discussion. Section 171(c)(1) would permit land to be acquired (banked) for possible use in a future exchange for other, presumably more valuable, lands. In such case, lands other than those with special environmental, scenic, historic, etc. significance could be acquired, banked, and then exchanged through negotiation for the actual scenic lands needing protection. If this is the case, HB 2017 appears to allow state acquisition of any lands.

The need and value of land banking of environmentally significant lands is clear. What is not so clear, at least in our minds, is the need to extend the land banking to "any" type of lands. As presently drafted the bill seems unduly broad in the case of land banking for future exchanges. We suggest somewhat greater specificity in the types of parcels to be protected so that State acquisition of lands is more strongly directed toward the primary intent of the bill, the protection of environmentally special lands.

We assume that the repeal of HRS 173A is proposed under the assumption that its purpose would be carried out by the new Land Bank agency. However, HRS 173A provides for "any development which is consistent with the land use law..." with apparently no restrictions on time or construction. Use of the lands acquired under the proposed amendments to HRS 171 would be limited to two years and no permanent structures would be allowed. The deletion of HRS 173A may not be appropriate if the need for lands suitable for future resource development is anticipated.
